

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Elease Robinson,)	
)	
Plaintiff,)	Civil Action No. 8:10-02192-TMC
)	
v.)	OPINION and ORDER
)	
Greenwood County,)	
)	
Defendant.)	
_____)	

Elease Robinson (“Plaintiff”) filed this action against the Defendant, her former employer. In her Complaint, the Plaintiff alleges claims against the Defendant for race discrimination, age discrimination and retaliation under Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), and the Age Discrimination in Employment Act (“ADEA”). Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(A)(B), and Local Rule 73.02(B)(2)(g), D.S.C., all pretrial matters in employment discrimination cases are referred to a United States Magistrate Judge for consideration.

On November 22, 2011, Magistrate Judge Kevin F. McDonald issued a Report and Recommendation (Dkt. # 29) recommending that the court grant Defendant’s Motion for Summary Judgment (Dkt. # 17). The Plaintiff filed a Response (Dkt. # 19) to the Defendant’s Motion for Summary Judgment. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge’s Report herein without a recitation.

The Magistrate Judge’s Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 for the District of South Carolina. The

Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Plaintiff was informed that objections to the Report and Recommendation were due by December 9, 2011 (Dkt. # 29). However, Plaintiff has filed no objections to the Report and Recommendation.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation (Dkt. # 29) and

incorporates it herein. The Court finds based upon such review that there are no genuine issues of any material fact and that the Defendant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). It is therefore **ORDERED** that the Defendant's Motion for Summary Judgment (Dkt. # 17) is **GRANTED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Greenville, South Carolina
December 14, 2011

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.